

November 13, 2019

**Via ECF**

Hon. Vernon S. Broderick  
U.S. District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: ***Scalia v. Wilmington Trust, N.A.*, No. 1:17-cv-6325-VSB-KNF**  
**Fourth Joint Letter re: Notice of Settlement in Principle and Request to**  
**Extend Deadlines**

Dear Judge Broderick:

Plaintiff Eugene Scalia, U.S. Secretary of Labor, and Defendant Wilmington Trust, N.A., write to request a fourth extension of the briefing schedule on Wilmington's Motion for Partial Summary Judgment so that the parties can continue finalizing their settlement. The Court granted the parties' third extension request on October 7, 2019, making the Secretary's opposition brief due on November 29, 2019 and Wilmington's reply due on December 20, 2019. Dkt No. 95. The parties have thus far exchanged drafts of the final settlement documents; held a teleconference on November 8, 2019, to discuss the major outstanding items; and are scheduled to hold a follow-up teleconference later this week. Nevertheless, the parties do not anticipate reaching a final agreement by November 29.

Accordingly, and to avoid having to make a further extension request, the parties request that the Court extend the briefing schedule on Wilmington's Motion for Partial Summary Judgment by an additional 60 days, thus making the Secretary's opposition brief due on January 28, 2020, and Wilmington's reply due on February 18, 2020.

Respectfully Submitted,

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